

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARK BORDEN

PLAINTIFF

v.

CAUSE NO. 1:19cv563-LG-RPM

HARRISON COUNTY

DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATION AND DISMISSING LAWSUIT
FOR FAILURE TO PROSECUTE**

BEFORE THE COURT are the [24] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert P. Myers, Jr., in which he recommends dismissal of Plaintiff Mark Borden's 42 U.S.C. § 1983 complaint for failure to prosecute.

At the time Borden filed this lawsuit, he was incarcerated at the Harrison County Adult Detention Center in Gulfport, Mississippi. Judge Myers entered the Proposed Findings recommending dismissal after Borden failed to appear at the omnibus hearing conducted on August 26, 2020. The copy of the Minute Entry regarding the Omnibus hearing and the copy of the Proposed Findings mailed to Borden were returned to the Court as undeliverable. A search conducted on the Mississippi Department of Corrections' website reveals that Borden is no longer incarcerated. Therefore, the Court has no way of contacting Borden. The Court previously informed Borden that failure to advise the court of a change of address may result in sua sponte dismissal of his lawsuit without further notice. (Order, at 2, ECF No. 3.)

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Myers' Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. This lawsuit is dismissed without prejudice for failure to prosecute.

IT IS, THEREFORE, ORDERED AND ADJUDGED the [24] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert P. Myers, Jr., are **ADOPTED** as the opinion of the Court. This lawsuit is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED AND ADJUDGED this the 14th day of September, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE